DOCUMENT RESUME

ED 418 544 EC 306 353

| | |
|---|---|
| TITLE | Home Schooling and Students with Disabilities. Quick Turn Around (QTA) Project Forum. |
| INSTITUTION | National Association of State Directors of Special Education, Alexandria, VA. |
| SPONS AGENCY | Office of Special Education and Rehabilitative Services (ED), Washington, DC. |
| PUB DATE | 1998-04-00 |
| NOTE | 25p. |
| CONTRACT | H159K70002 |
| PUB TYPE | Reports - Descriptive (141) |
| EDRS PRICE | MF01/PC01 Plus Postage. |
| DESCRIPTORS | *Compliance (Legal); *Disabilities; *Educational Policy; Elementary Secondary Education; Federal Legislation; *Home Schooling; National Surveys; Special Education; *State Legislation; *State Regulation; Student Placement |
| IDENTIFIERS | Individuals with Disabilities Education Act; State Directors of Special Education; *State Policy |

ABSTRACT

This report, based on a survey of State Directors of Special Education, describes current state policies on home schooling with particular attention to state requirements on home schooling for students with disabilities. Background information notes that home schooling is an exemption from compulsory school attendance and does not include home or hospital bound instruction necessitated by a physical or mental health-based inability to attend school and also that there are no federal requirements concerning home schooling. The report estimates that approximately 100,000 students with disabilities are home schooled. The implications of federal special education requirements under the Individuals with Disabilities Education Act are addressed, as are the written provisions pertaining to home schooling of students with disabilities in five states: Nevada, California, Pennsylvania, Colorado, and North Dakota. Issues specifically identified include access to special education services, "dual enrollment" options, graduation and diploma requirements, distance learning in charter schools, and inclusion of home schooled students in accountability systems. A detailed chart summarizes requirements by state and includes any specific home schooling statute, notice to public authorities of intention to home school, teacher requirements, testing requirements, and specific policies on students with disabilities. (DB)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

ED 418 544

# Quick Turn Around Forum

*QTA - a brief analysis of a critical issue in special education*

**Issue: Home Schooling and Students with Disabilities** **Date: April 1998**

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

BEST COPY AVAILABLE

EC 306 353

Quick Turn Around Forum

*QTA - a brief analysis of a critical issue in special education*

**Issue: Home Schooling and Students with Disabilities** **Date: April 1998**

**Introduction**

This report includes a brief description of current state policies on home schooling with particular attention to state requirements on home schooling for students with disabilities. A survey of State Directors of Special Education was conducted to gather data for this report, and the results are summarized in the attached table.

**Background**

Every state has made attendance at school compulsory within varying age ranges. *Home schooling* is an exemption from compulsory attendance at school. It is important to note that home schooling does not include *home or hospital bound instruction* necessitated by a physical or mental health-based inability to attend school.

Although there are federal laws and regulations that govern various aspects of education, there are no federal requirements that address issues related to home schooling. All requirements are contained in state statutes, regulations, or guidelines/policy documents. There is a comprehensive resource updated annually that describes the legal requirements for home schooling in every state entitled, *Home Schooling in the United States: A Legal Analysis*, by Christopher J. Klicka, J.D., Senior Counsel for the Home School Legal Defense Association. Some of the data on the table attached to this report were drawn from that publication.

**Incidence**

There is no accurate count of the number of students who are home schooled. Estimates range from about one million, projected from a survey done in 1991 (Lines, 1995), to 1.23 million quoted in the Phi Delta Kappa poll (Langdon, 1997). Using an average disability incidence of ten per cent, it can be estimated that there are roughly 100,000 students with disabilities who are home schooled.

**Federal Special Education Requirements**

The federal statute, Individuals with Disabilities Education Act (IDEA), does not specifically address home schooling of children and youth with disabilities. However, in some states, the requirements designated for students who are parentally placed in private schools apply to children instructed at home. Policy interpretation by the U.S. Department of Education, Office of Special Education (OSEP) on this matter was expressed in the written response to an inquiry from Ohio: "The determination of whether a home education arrangement constitutes private school placement must be made on the basis of state law" (Letter to Williams, p. 2). In a follow-up, (Letter to Stohrer), OSEP also advised that districts must include home educated children in their child find activities and make special education available to those eligible for services under IDEA should they return to public school.

This document is available in alternative formats. For details, please contact Project FORUM staff at 705-519-3600 (voice) or 7008 (TDD).

BEST COPY AVAILABLE

EC 306353

**State Special Education Requirements**

As can be seen in the attached table, state laws, regulations and policies on home schooling vary greatly. A total of 32 states have no specific written requirements on the home schooling of students with disabilities. Twelve other states have written policies that confirm the basic federal requirements to make special education services available or to consider home schooled students with disabilities under the same provisions as students parentally placed in private schools.

Six states have written provisions pertaining to the home schooling of students with disabilities that differ substantially from the majority of states. For example:

- Nevada does not recognize home schooling as a private school. The *1997 Technical Assistance Document* specifically states that home schoolers do not have an individual right to program benefits under IDEA or state laws, nor to benefits as voluntarily placed in private schools.
- There is no state law on home schooling in California, but home instruction can be carried out under a "home tutoring or independent study" option. However, students with disabilities in that state may choose these options only if the individual education program (IEP) provides for this.
- Two states require a specific "approval" as a condition of allowable participation in home schooling. In Iowa, written approval of the director of special education of the area education agency is required. In Pennsylvania, a student identified as in need of special education can be home schooled only if the instruction is approved by a teacher certified in special education in the state or by a certified school psychologist.
- Colorado's *Guidelines* recommend that school districts provide to parents of students with disabilities who are home schooled a written notification that the district is no longer required to provide special education or related services. All the provisions of the state's home school law apply to students with disabilities and, in addition, the *Guidelines* note that districts must provide accommodations so that a student with a disability can participate in the required testing.
- North Dakota state law contains a number of detailed provisions on the home schooling of students with disabilities. Any home schooled student whose score on the required achievement test falls below the 30th percentile must be professionally evaluated for a potential disability. If no disability is found, a remediation plan must be filed. If the child is found to have a disability, the parent may continue to provide home instruction provided that an IEP is filed indicating that the child's need for special education is being appropriately addressed by qualified persons. If the plan is not filed, the parent is in violation of the compulsory attendance requirements and the child no longer qualifies for home education. Children with "developmental disabilities" may not be home schooled except those with autism, and additional reporting requirements must be met for children with that disability.

**Issues**

The role of the state is to provide access to a free appropriate education and protect the rights of each child with a disability. However, many states' written policies recognize the right of parents to make decisions about

whether or not their children will attend the public schools.

Most states allow students with disabilities who are home schooled to obtain special education and related services at their local public school under arrangements negotiated with the parent. Such access to special education services may be the only type of direct participation in public school programs that is allowed for home schooled students in many states. However, some states, such as Colorado and Iowa, permit "dual enrollment" that provides all home schooled students the option to participate in specific courses and extra curricular activities.

Another issue concerns graduation and the issuance of a high school diploma to home schooled students. New York's written policies address this point clearly: "A high school diploma may be awarded only to a student enrolled in a registered secondary school who has completed all program requirements set by the Regents, the school or the district."

The involvement of home schooling or distance learning options in charter schools is an issue in California. There are 15 charter schools there that have all or some of their students instructed at home. In these schools, education specialists administer the school and provide assistance to parents according to the contract negotiated between the charter school and the parent. Some of these schools are affiliated with a local traditional school and use the special education staff employed there. Other such charter schools employ their own special education staff..

State policies do not address the inclusion of home schooled students in accountability systems, although some do have assessment requirements. With the new requirements of IDEA 1997, it is necessary for states to consider the extent of their responsibility to include home schooled students who have disabilities in their accountability reporting, especially if special education services are provided by the local school.

**Conclusion**

Home schooling is an educational choice on the continuum of options that includes such non-traditional settings as charter schools and voucher plans. Regulation of these options rests with each individual state. The absence of specific reference to students with disabilities in the majority of states' home schooling policies illustrates the great variability that exists among state educational policies. A review to examine and clarify those policies may be helpful for both parents and schools.

**References**


Klicka, Christopher J., J.D. (1997). *Home schooling in the United States: A legal analysis*. Purcellville, VA: Home School Legal Defense Association.

Langdon, Carol A. (1997, November). Fourth Phi Delta Kappa poll of teachers' attitudes toward the public schools. *Kappan, 79(3)*, p. 217.

Lines, Patricia M. (1995). *Home schooling*. ERIC Digest, Number 95. ERIC Document Reproduction Service No. 381849.

OSEP Letters: 1) Letter to Williams 18*IDELR* 742. 2) Letter to Stohrer, Mar. 31, 1993.



This report was supported in whole or in part by the U.S. Department of Education (Cooperative Agreement No. H159K70002). However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Education, and no official endorsement by the Department should be inferred.

## State Home Schooling Policies

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| AL | None | Other Options: child enrolled in church school ministry but taught at home; home tutoring with notice of subjects. | State certification under tutoring option; none under church school option. | None | §14.30.340 School district of residence must make special education and related services available in conformance with an IEP. |
| AK | §14.30.010(b)(12) | None | None | None | None |
| AZ | §15-802 | Initial affidavit of intent | None | None | None |
| AR | §6-15-501 et seq. | Annual notice of intent and waiver releasing state from any future liability for the education of the child. | None | Nationally recognized achievement test selected by State Board; no minimum score required. | Rules and Regulations for home Schools: §9.00 Districts must provide a genuine opportunity for home schoolers to access special education and related services. Inclusion in testing is decided by the student's IEP committee. |
| CA | None | Other Options: home tutoring or independent study. | Only under home tutoring option - tutor must have valid CA teaching credential for grade level. | None | §51745 CA Educational Code: Students with disabilities may participate in independent study only if their IEPs provide for this. |
| CO | §22-33-104.5 | Annual notification. Home schoolers may attend public school for a portion of the day and may participate in extra-curricular activities. | Only under home tutoring option. | Standardized achievement test for grades 3,5,7,11 with score above 13th percentile; None if instructor is certified. | State Department of Education Guidelines issued 1/98: it is recommended that the district provide written notification when a student with a disability is home schooled that the district is no longer required to provide special education or related services. All provisions of the home schooling law apply to these students, and the district must provide accommodations in testing the student. |
| CT | No law but there are Department of Education Guidelines | Initial notice of intent | None | Annual portfolio review | None |

**Sources:** 1) *Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| DE | Title 14, §2703 | If home school not affiliated with a registered association, local superintendent supervises content of instruction. | None | None | None |
| FL | §232.02(4) | None if parent holds teacher certification | None | One of 5 options: district or state test, evaluation by certified teacher or licensed psychologist, or other evaluation as mutually agreed; superintendent to review and accept results. | None |
| GA | §20-2-690(c) | Annual notice of intent; records of attendance to superintendent monthly; annual progress report; | Parent must have at least a high school or GED diploma, or employ a tutor with baccalaureate degree | Standardized achievement test every 3 years starting in 3rd grade - scores do not have to be reported. | None |
| HI | §302A-1132(a)(5) | Initial notice of intent; record must be kept of planned curriculum; annual progress report to local principal | None for parent - bachelor's degree for others | Standardized achievement test of parent's choice in grades 3,6,8, and 10. | None |
| ID | None | Other Options: state law exempts children who are "otherwise comparably instructed," and no notice is required. | None | None | Interim Special Education Manual (1997): home schoolers are included with nonpublic school students. Dual enrollment in general education courses allowed for students with disabilities on same basis as other students; students with disabilities may also receive special education and related services at the public school site. |
| IL | None | Other Option: A home school is a private school according to an IL court case; parent may be requested to provide assurance on a voluntary basis. No prior notice required. | None | None | State Attorney General Opinion (19912): the same exemptions and requirements for equivalent education apply to home schooled students with disabilities as to any home schooled child. |

**Sources:** 1)*Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| IN | None | Other Options: Court decisions have led to conclusion that a school at home is a private school; parent must keep attendance records. | None | None | None |
| IA | §299A.1 - 299A.10 | Parent must file "Competent Private Instruction Report Form." Dual enrollment also allowed for academics and extra-curricular activities that entitles the school to partial funding for the student. | None, but instruction must be delivered or supervised by a licensed teacher | None if licensed teacher is involved. If no licensed teacher is involved, a standardized test or portfolio review is required. | Specific regulations [Title V, Ch 31, §281-31.1 to 31.9 (299)] on "special education students": "Competent Private Instruction" in the home is allowed "with the written approval of the director of special education of the area education agency." |
| KS | None | Other Options: home as a "non-accredited school" or a satellite of a private school. | None | None | None |
| KY | None | Other Options: home may qualify as a private or church school by notifying local board. | None | None | None |
| LA | §17:236 | Application certifying curriculum equivalent to public school; renewal requires supporting material on instruction and student work. | None | Standardized test results (not required if child scores above grade level), or statement by certified teacher that curriculum is equal to public school. | None |
| ME | 20-A, §5801-A(3)(A)(3) | "Application for Equivalent Instruction Through Home Instruction" to Commissioner of Education | None | Annual standardized test, local test, or review of progress by a ME certified teacher. | Special Education Regulations Chapter 10 §4.7: schools must inform parents of home schooled students with disabilities of the availability of a free appropriate education, review the special education needs of that student, develop an IEP, and advise parents of their rights. |

Sources: 1) *Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| MD | §7-301(a) | Notice of intent to teach required subjects at home or through correspondence courses under supervision of a public or church school. | None | None | State Attorney General Memorandum (1992): schools must provide home schooled students a genuine opportunity for equitable participation in public school special education programs. At a minimum, the same requirements prevail as for students placed in private school by their parents. |
| MA | None | Other Options: local superintendent may approve home instruction request; local districts have differing rules. | None | Annual standardized test, progress reports, or a home visit by the school district. | None |
| MI | MCLA §380.156(3)(f) | None | None | None | None |
| MN | §120.101 | Annual report of child's name, age, grade, instructor qualifications. | Teacher must either be licensed, directly supervised by a licensed teacher, complete a teacher competency exam, or hold a baccalaureate degree. | A nationally normed standardized test - child who scores below 30th percentile must be evaluated for learning problems. | None |
| MS | §37-13-91(3)(c) | Annual certificate of enrollment. | None | None | None |
| MO | §167.031(2) | Voluntary notice of enrollment; no more than 4 unrelated pupils in a home school; maintenance (but not submission) of records of instruction, portfolios of work, and evaluations of child's progress. | None | None | Article IX, §162.996: Districts may provide special education to home schoolers and receive state aid based on the full-time equivalent daily attendance of the student. |
| MT | §20-5-102(2)(f) | Annual notification and maintenance of records of attendance, immunization, course of study. | None | None | None |

**Sources:** 1) *Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| NE | None | Other Options: a home can be operated under private school laws with annual assurance to the superintendent on subjects taught, attendance and safety standards. | None | None | None |
| NV | §392.070 [and Code Ch.392] | Written evidence that child is receiving equivalent instruction, and description of who will teach and materials used. | Parent must be either certified in any state, or consult with a licensed teacher, or the child must be enrolled in a correspondence course. | None | Technical Assistance Document (1997): Nevada does not recognize home schooling as a private school. Home schoolers do not have an individual right to program benefits under IDEA or state laws, nor to benefits as voluntarily placed in private schools. |
| NH | §193-A | Annual notice to Commissioner of subjects and materials, and maintenance of a portfolio. | None | Report results annually of either an achievement test, state assessment (at or above 40th percentile), or written evaluation by a certified teacher. | None |
| NJ | §18A.38-25 | Evidence of equivalent instruction only if requested by superintendent. | None | None | Policy Guide: District must provide an evaluation if requested, and may offer services (permitted but not mandated). |
| NM | §22-1-2) | Annual notarized state form and maintenance of attendance and immunization records. | Parent must possess high school diploma or its equivalent. | State achievement tests required by law for home schooled children. | Per *Procedures Manual*: parent should contact local superintendent to obtain special education services; district shall propose a meeting to develop and review IEP, and make available special education and related services as determined by the team and stated in the IEP. |

**Sources:** 1) *Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| NY | §3204(1) and (2) and Regulations Title 8, §100.10 | Annual notice of intent in an Individualized Home Instruction Plan, records of attendance, and quarterly reports about instruction and evaluation in each subject. (There are required subjects for each grade level.) | Parent is a "competent" teacher if regulations are followed. | Annual assessment by achievement test, or alternative evaluation by certified teacher. Standardized tests must be used alternate years starting in 4th grade and every year from 9th grade. | Per Packet on Home Schooling: Districts must offer home-instructed students with disabilities the special education services as recommended on the IEP. (*Revised Q&A on Home Instruction* contains 15 specific instructions pertaining to students with disabilities.) |
| NC | Article 39 §115C-547 through 115C-565 | Initial notice that home school will operate for a 9 month term and maintain attendance and immunization records. | Parent must have a high school diploma or a GED. | Annual standardized test which must be available for inspection on request. | None |
| ND | N.D. Cent. Code §15-34.1-06 and 03 | Annual notice of intent and records of courses, student progress and instructor qualifications. | Parent must be certified in ND, or hold a baccalaureate degree, or meet cut-off score of the national teachers exam, or have a high school diploma and be monitored by a certified teacher for first 2 years. | Standardized achievement test in grades 3,4,6,8 & 11 by a certified teacher and results provided to district. If score is below 30th percentile, child must be professional evaluated. If no disability is found, a remediation plan must be filed. | Children with "developmental disabilities" may not be home schooled except those with autism. Parent home schooling an autistic child must file diagnosis, an instructional plan, and progress reports by a psychologist, an OT, a speech therapist and a certified teacher on 11/1, 2/1, and 5/1 each year. Nondisabled child who scores below 30th percentile in achievement must be evaluated by a multidisciplinary assessment team for potential disability. |
| OH | §3321.04(A)(2) | Annual notification with assurance that "Required Subjects" will be included, an outline of intended curriculum and texts or materials to be used, and hours and qualifications. | Home teacher must have a high school diploma or GED, or parent must be directed by a person with a baccalaureate until child's testing demonstrates "reasonable proficiency." | Standardized test or progress report written by a certified teacher , or an alternative assessment agreed upon by parents and superintendent. | None |

**Sources:** 1) *Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| OK | None | Other Options: State Constitution allows "other means of education." Court decisions have established that the state has no jurisdiction in home schooling. | None | None | None |
| OR | §339.030(5) and .035 | Annual notice of intent. | None | Annual standardized test administered by a neutral person with results submitted to superintendent. If child does not achieve at least at the 15th percentile, district may order child to attend school or be supervised by a certified teacher. | None |
| PA | 24 P.S. §13-1327.1 | Annual notarized statement that must include assurance that subjects are taught in English, an outline of objectives by subject, immunization evidence, and certification that no adults involved in the home have been convicted of certain criminal offenses within 5 years. | Parent/supervisor must have a high school diploma or its equivalent if students are not enrolled in a day school. (Other options: instruction by a tutor certified by the state, or enrollment in a day/church school.) | Students not enrolled in a day school must be given a standardized test in grades 3, 5, and 8 and results submitted with an annual portfolio. The state has approved 10 nationally normed standardized tests for home school use. | Instruction for any student identified under law as needing special education services (except gifted and talented) must be approved by a teacher certified in special education in the state or by a certified school psychologist. Written notice of the approval must be included in the notarized annual statement that the parent must submit to the district. |
| RI | §16-19-1 | Local district has approval authority, teaching must be in the "Required Subjects," an attendance register must be kept, and period of attendance must be substantially equal to that of the public schools. | None | Not required by law, but districts can require some type of evaluation under their approval authority. Parent preference for measurement must be accommodated. | None |

**Sources:** 1) *Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| SC | Three options: §59-54-40, -45, and -47 | The options include an approved program at home provided by the parent with records kept, and curriculum and hours met, or enrollment in a program under the auspices of an association of independent home schools. | Parents must have a high school diploma or a GED. | None for those enrolled in an association; others must participate in annual statewide testing and the Basic Skills Assessment Program. | None |
| SD | None | Alternative: (§13-27-3) Notice of home schooling on a state form notarized by parent and describing content of instruction. | None | Standardized test that may be monitored by the district. | None |
| TX | None | Alternative: home schools can operate as private schools and must be conducted in a bona fide manner using a written curriculum consisting of reading, spelling, grammar, math and a course in good citizenship | None | None | None |
| TN | §49-6-3050 | Annual notice of intent that contains names, immunization proof, location, curriculum, hours of instruction and qualifications of teachers. Attendance records must be kept. | Parent must have a high school diploma or GED for elementary level, and college degree for grades 9-12. | Standardized test administered by state or district approved agency. There are detailed requirements for follow-up for various scoring levels. | None |
| UT | §53A-11-102(2) and (2) | Annual request for exemption to be taught at home. Also can operate as a private school with no state involvement. | None | None | None |

**Sources:** 1)*Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| VT | §1, 16VSA 11(21) §166b | Annual written enrollment notice to Commissioner with outline of content to be provided and, in the first year, "independent professional evidence on whether the child is handicapped." | None | Assessment or portfolio | Guidelines for Home Study in VT (1997): Parent of a student identified as in need of special education must demonstrate how appropriate support will be provided through the description of the minimum course of study. The child also has a right to receive special education services at the public school. |
| VA | §22.1-254.1 | Annual notification of curriculum and qualifications of instructor. Alternatives: 1) religious exemption; 2) certified tutor, or 3) private school - no requirements apply to these alternatives. | Baccalaureate or state certification or enrollment of child in a correspondence course or other evidence accepted by superintendent of parent's ability to provide adequate education. | None | None |
| WA | §28A.225.010 and §28A.200.010 | Annual notice of intent that includes whether a certified person will be supervising the instruction. Child is considered "part time" and eligible to take courses at public school. | Parent is either supervised by a certified person, has 45 college credits, or is deemed qualified by the district superintendent. | Assessment by standardized test, but results do not need to be submitted. | None |
| WV | §18-8-1 Exemption B | Either use of an approved placement, or notice of intent to home school including plan of instruction. | Evidence that parent has a high school diploma and formal education at least 4 years higher than the most advanced child. | Standardized test at local school or given by a psychologist. If below 40th percentile, remedial help must be given and, if not corrected in 2 yeas, home schooling must cease. Alternate portfolio may be an alternative. | Memorandum of Clarification: Home schooled students are considered "parentally placed in non-public school settings." |

**Sources:** 1)*Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.

| State | Home Schooling Statute(s) | Notice to Public Authorities/Alternatives | Teacher Requirements | Testing Requirement(s) | Specific Policies on Students with Disabilities |
|---|---|---|---|---|---|
| WI | §118.15(4).<br>§118.165(1) | Annual statement of enrollment indicating requirements including 875 hours of instruction and sequential curriculum. | None | None | Districts are required to screen and evaluate and, if an IEP results, make a placement offer. Parents may refuse. Districts may, but are not required to, provide services to home schooled students with disabilities. |
| WY | §21-4-101 | Annual submission of basic curriculum. | None | None | None |
| AS* | None | None | None | None | None |

*AS = American Samoa, one of the non-state jurisdictions of the U.S. that is subject to IDEA requirements.

**Sources:** 1) *Home Schooling in the United States: A Legal Analysis* by Christopher J. Klicka, J.D. Purcellville, VA: Home School Legal Defense Association.
2) State documents submitted by State Directors of Special Education in response to a survey by Project FORUM at NASDSE.